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**OFFICE OF PETITIONS**

In re Application of :  
Yuji Fukuzawa et al. :  
Application No. 09/486,865 :  
Filed: March 2, 2000 : DECISION ON PETITION  
Attorney Docket No. KOIK-P9784 : UNDER 37 C.F.R. §1.181(A)  
Title: COMPILING APPARATUS AND :  
COMPILING METHOD :  
:

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on October 21, 2005.

The Office regrets the delay in issuing this decision.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 3, 2003, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 4, 2003. A notice of abandonment was mailed on December 1, 2003.

With the present petition, Petitioner has alleged that the mailing was not received, and has included a copy of the docket record.

CONCLUSION

Petitioner met the requirements of Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that he has searched the file jacket and the docket record, and he has included a copy of the latter.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Technology Center will be notified of this decision, so that the office action can be re-mailed and a new period for response can be set.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



**Paul Shanowski**  
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